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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,054	01/21/2004	Evans Wetmore	977-006	3793
7590	05/19/2005		EXAMINER	
SOFFR & HAROUN, L.L.P. 317 Madison Avenue, Suite 910 New York, NY 10017			TWEEL JR, JOHN ALEXANDER	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/763,054	WETMORE, EVANS	
	Examiner	Art Unit	
	John A. Tweel, Jr.	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/6/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by **Abraham** [U.S. 6,396,392].

For claim 1, the method for decreasing high frequency radiation emission taught by **Abraham** includes the following claimed steps, 1) the claimed transmitting a utility power signal is achieved using the substation (No. 20) over the power line, 2) the claimed transmitting a high frequency communication signal is achieved using the router (No. 12) for transmitting a high frequency communication signal over the power line so as to provide a combined utility and high frequency signal, and 3) the claimed providing a plurality of inductors is achieved using the transformers (Nos. 22 and 24).

For claim 7, a system for decreasing radiation emission in a power line taught by **Abraham** includes the following claimed subject matter, as noted, 1) the claimed first transmitter is met by the substation (No. 20) to transmit a utility power signal over the power line, 2) the claimed second transmitter is met by the router (No. 12) to transmit a high frequency communication signal over the power line to provide a combined utility

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and high frequency signal, and 3) the claimed plurality of inductors is met by the transformers (Nos. 22 and 24).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abraham**.

For claims 2 and 8, increased impedance and increased voltage levels are an inherent property of each transformer. To claim an obvious property of an electrical component is not considered a patentable innovation as transformers have been used to increase impedance and voltage for many years.

For claims 3, 4, 9, and 10, transformers may be placed at regular intervals through a grid and at irregular intervals between houses and power lines. To claim that the inductors are at regular or irregular intervals is not considered an innovation as the terms are subject to varied interpretation as that found above.

For claims 5, 6, 11, and 12, clamped and series inserted inductors are common and quite well known in electrical equipment, especially power systems. It would have been obvious to one of ordinary skill in the art to use one of these inductors for the purpose of using a well-known and common piece of electrical equipment.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Paice et al [U.S. 3,946,279] creates very high impedance for an AC signal that normally flows through a low impedance load.

Wadhwani et al [U.S. 4,302,750] conveys load control commands, power usage data, and other data on power lines.

Dinsmore [U.S. 4,635,296] is used especially for physiological signal telemetry.

Shuey [U.S. 5,694,108] establishes communications utilizing existing power signal distribution networks.

Deller et al [U.S. 6,559,757] includes a field-programmable gate array.

Abraham [U.S. 6,686,832] is an improved apparatus for high frequency electrical line communication.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
5/15/05



A handwritten signature in black ink, appearing to read "John Tweel".

JOHN TWEEL
PRIMARY EXAMINER